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**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Docket Number (Optional)

Mail to: Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

Patent No. \_\_\_\_\_ Application Number \_\_\_\_\_

Issue Date \_\_\_\_\_ Filing Date \_\_\_\_\_

CAUTION: Mandatory Identifiers: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the serial number of the actual U.S. application (or reissue application) leading to issuance of that patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above-identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing Certificate

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1. SMALL ENTITY

☐ Attached herewith is a verified statement establishing small entity status.

OR

☐ A verified statement establishing small entity status for this patent has been filed and it is confirmed that the current owner of this patent still qualifies for small entity status.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in...patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to Section 1.19 of this part." From the wording of 37 CFR 1.28(a): notification of change of status (a) must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity. See also 37 CFR 1.366(f).

☐ The status of this patent has changed from that of small entity to other than that of small entity.

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity Amount Fee (Code)	Small Entity Amount Fee (Code)
<input type="checkbox"/> \$_____ 3 1/2 yr fee (183)	<input type="checkbox"/> \$_____ 3 1/2 yr fee (283)
<input type="checkbox"/> \$_____ 7 1/2 yr fee (184)	<input type="checkbox"/> \$_____ 7 1/2 yr fee (284)
<input type="checkbox"/> \$_____ 11 1/2 yr fee (185)	<input type="checkbox"/> \$_____ 11 1/2 yr fee (285)

MAINTENANCE FEE BEING SUBMITTED \$\_\_\_\_\_

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$\_\_\_\_\_ (Fee Code 187) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$\_\_\_\_\_

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$\_\_\_\_\_.

☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$\_\_\_\_\_. A duplicate copy of this authorization is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☐ The Commissioner is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. \_\_\_\_\_. A duplicate copy of this authorization is attached.

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## 7. OVERPAYMENT

As to any overpayment made please

☐ Credit to Deposit Account No. \_\_\_\_\_.

**OR**

☐ Send refund check.

## 8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

## 9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

_____ Date	_____ Signature(s) of Petitioner(s)
(_____)_____ Telephone Number	_____ Typed or printed name(s)
	_____ Address
	_____

## ENCLOSURES:

- ☐ Maintenance Fee payment
- ☐ Small Entity Status Form
- ☐ Statement why maintenance fee was not paid timely
- ☐ Surcharge
- ☐ \_\_\_\_\_

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**NOTE:** 37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. Such petition must be in the form of a verified statement if made by a person not registered to practice before the Patent and Trademark Office." Accordingly, the following declaration must be signed by any and all parties not registered to practice before the Patent and Trademark Office and presenting statements concerning the cause of delay.

**The undersigned declares that the following statements made of his/her own knowledge are true, and that these statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name

**STATEMENT**

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above)

*(Please attach additional sheets if additional space is necessary)*